

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
CREE, James W. et al.) **Confirmation No.: 3997**
Serial No.: 10/582,313) **Examiner: Not Yet Assigned**
I.A. Filing Date: 08 June 2006)
For: **DIFFERENTIAL ENERGY COMPOSITES)**
AND METHODS OF MANUFACTURING)
SAME

PETITION UNDER 37 C.F.R. 1.47(a)
TO FIND AN INVENTOR UNCOOPERATIVE

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Arlington, VA 22313-1450

16 May 2007
Atlanta, Georgia 30308-2216

Sir:

Applicant petitions the Commissioner to find inventor Toni Rae Millikan to be uncooperative in the prosecution of the above-identified application.


Applicant submits this petition under 37 C.F.R. 1.47(a) To Declare an Inventor Uncooperative; a Declaration In Support of the petition by Applicants' Representative/Agent, Dean Y. Shahriari, (Exhibit 1); and the petition fee under 37 CFR 1.17(g).

Applicant James W. Cree petitions the Commissioner to accept the above-identified application without the executed declaration of inventor Toni Rae Millikan. Despite diligent efforts, Applicant, through his Representative/Agent, has been unsuccessful in obtaining the executed declaration of inventor Toni Rae Millikan at her last known address of 1848 Colt Drive, Atlanta, Georgia 30347. Attempts to obtain an executed declaration from this inventor have been to no avail.

As an example of diligent efforts to obtain the executed declaration of Toni Rae Millikan, Applicant encloses a Declaration of Applicant's Representative/Agent, by Dean Y. Shahriari., (see Exhibit 1).

A check in the amount of \$200.00 to cover the costs associated with this Petition is enclosed. If any additional fee is due, please charge any underpayment or credit any overpayment to Deposit Account No. 20-1507.

Respectfully submitted,

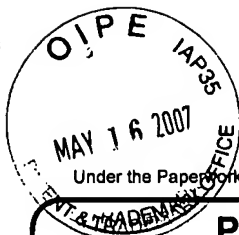


Dean Y. Shahriari
Registration No. 56,783

TROUTMAN SANDERS LLP
Bank of America Plaza
600 Peachtree Street, N.E. Suite 5200
Atlanta, Georgia 30308-2216
(404) 885-3943
(404) 962-6881

Attachments

Exhibit 1: Declaration of Applicant's Representative/Agent, Dean Y. Shahriari
Exhibit 2: Federal Express Tracking Information



05-17-02

PCR

PTO/SB/17p (04-07)

Approved for use through 09/30/2007. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FEE
Under 37 CFR 1.17(f), (g) & (h)
TRANSMITTAL

(Fees are subject to annual revision)

Send completed form to: Commissioner for Patents
P.O. Box 1450, Alexandria, VA 22313-1450

Application Number	10/582,313
Filing Date	June 8, 2006
First Named Inventor	CREE, James W. et al.
Art Unit	
Examiner Name	
Attorney Docket Number	TRED54

Enclosed is a petition filed under 37 CFR 1.17(g) that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of \$ 200.00 is enclosed.

This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under 37 CFR 1.17(i), see form PTO/SB/17i.

Payment of Fees (small entity amounts are NOT available for the petition fees)

☐ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 20-1507:

☐ petition fee under 37 CFR 1.17(f), (g) or (h) ☒ any deficiency of fees and credit of any overpayments

Enclose a duplicative copy of this form for fee processing.

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☐ Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462

For petitions filed under:

- § 1.36(a) - for revocation of a power of attorney by fewer than all applicants
- § 1.53(e) - to accord a filing date.
- § 1.57(a) - to accord a filing date.
- § 1.182 - for decision on a question not specifically provided for.
- § 1.183 - to suspend the rules.
- § 1.378(e) - for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.
- § 1.741(b) - to accord a filing date to an application under § 1.740 for extension of a patent term.

Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463

For petitions filed under:

- § 1.12 - for access to an assignment record.
- § 1.14 - for access to an application.
- § 1.47 - for filing by other than all the inventors or a person not the inventor.
- § 1.59 - for expungement of information.
- § 1.103(a) - to suspend action in an application.
- § 1.136(b) - for review of a request for extension of time when the provisions of section 1.136(a) are not available.
- § 1.295 - for review of refusal to publish a statutory invention registration.
- § 1.296 - to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.
- § 1.377 - for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.
- § 1.550(c) - for patent owner requests for extension of time in ex parte reexamination proceedings.
- § 1.956 - for patent owner requests for extension of time in inter partes reexamination proceedings.
- § 6.12 - for expedited handling of a foreign filing license.
- § 6.15 - for changing the scope of a license.
- § 6.25 - for retroactive license.

Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464

For petitions filed under:

- § 1.19(g) - to request documents in a form other than that provided in this part.
- § 1.84 - for accepting color drawings or photographs.
- § 1.91 - for entry of a model or exhibit.
- § 1.102(d) - to make an application special.
- § 1.138(c) - to expressly abandon an application to avoid publication.
- § 1.313 - to withdraw an application from issue.
- § 1.314 - to defer issuance of a patent.

Dean Y. Shahriari

Typed or printed name

5/16/07

Date

56,783

Registration No., if applicable

This collection of information is required by 37 CFR 1.17. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

05/22/2007 JBALINAN 00000105 10582313

02 FC:1463

200.00 DP



EXHIBIT 1



PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
 CREE, James W. et al.) **Confirmation No.: 3997**
Serial No.: 10/582,313) **Examiner: Not Yet Assigned**
I.A. Filing Date: 08 June 2006)
For: DIFFERENTIAL ENERGY COMPOSITES)
 AND METHODS OF MANUFACTURING)
 SAME

DECLARATION OF APPLICANT'S REPRESENTATIVE/AGENT
IN SUPPORT OF PETITION UNDER 37 C.F.R. 1.47(a)

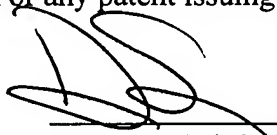
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Arlington, VA 22313-1450

16 May 2007
Atlanta, Georgia 30308-2216

Sir:

1. I, Dean Y. Shahriari, am a patent agent authorized to act on behalf of Tredegar Film Products.
2. The above-identified patent application entitled, "Differential Energy Composites and Methods of Manufacturing Same", was filed on June 8, 2006. The application names James W. Cree and Toni Rae Millikan as inventors.
3. A package containing the combined declaration and power of attorney document, and a letter explaining the contents of the package, was sent to Toni Rae Millikan by Federal Express to the last known address for Toni Rae Millikan, 1848 Colt Drive, Atlanta, Georgia 30341 on April 5, 2007.
4. The package was delivered on April 6, 2007 to the above address. Copies of the letter and the Federal Express tracking information showing delivery of the package are provided as Exhibit 2.
5. On April 27, 2007, May 14, 2007, and May 16, 2007, Candice Dysart, our Patent Paralegal left telephone messages at (770) 559-1995 for Toni Rae Millikan regarding the status of the combined declaration and power of attorney document.

6. We have not received a package or other form of communication from Toni Rae Millikan.
7. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this application or any patent issuing therein.



Dean Y. Shahriari
Registration No. 56,783



EXHIBIT 2



Track Shipments Detailed Results


[Close Window](#)
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Tracking number	798645650674	Reference	Client
Signed for by	Signature release on file	Invoice number	41668.1
Shp date	Apr 5, 2007	Destination	Atlanta, GA
Delivery date	Apr 6, 2007 12:40 PM	Delivered to	Residence
		Service type	Standard Envelope
		Weight	0.5 lbs.

Status Delivered

Signature image available No

Date/Time	Activity	Location	Details
Apr 6, 2007	12:40 PM Delivered	Atlanta, GA	Left at side door Package delivered to recipient address - release authorized
	8:04 AM On FedEx vehicle for delivery	NORCROSS, GA	
	7:26 AM At local FedEx facility	NORCROSS, GA	
Apr 5, 2007	11:02 PM At local FedEx facility	ATLANTA, GA	
	10:25 PM At dest sort facility	HAPEVILLE, GA	
	9:55 PM Left origin	ATLANTA, GA	
	6:37 PM Picked up	ATLANTA, GA	
	1:42 PM Package data transmitted to FedEx		

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Language

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From: Origin ID: QFEA (404)885-2722
Francine Smith
Troutman Sanders LLP
600 Peachtree Street

Atlanta, GA 30308



CL5822307/2/023

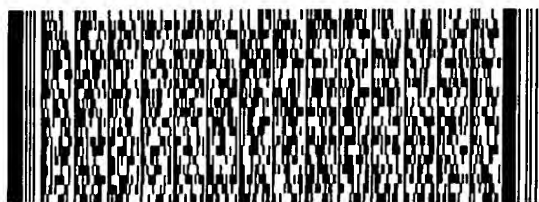
SHIP TO: (000)000-0000

BILL SENDER

Ms. Toni Rae Millikan

1848 Colt Drive

Atlanta, GA 30341



Ship Date: 05APR07
ActWgt: 1 LB
System#: 8465812/INET2600
Account#: S *****

Delivery Address Bar Code



Ref # Client
Invoice #
PO #
Dept # 41668.1

STANDARD OVERNIGHT

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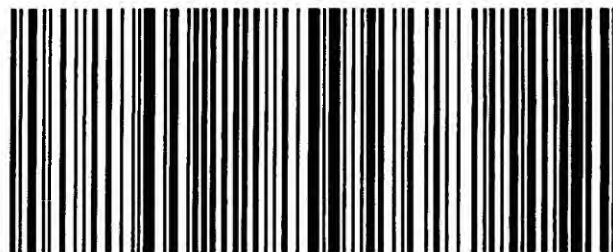
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37 MGEA



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Use of this system constitutes your agreement to the service conditions in the current FedEx Service Guide, available on fedex.com. FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$500, e.g. jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits, see current FedEx Service Guide.

TROUTMAN SANDERS LLP

ATTORNEYS AT LAW
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April 5, 2007

Via Federal Express

Toni Rae Millikan
1848 Colt Drive
Atlanta, Georgia 30341

Re: U.S. Patent Application
DIFFERENTIAL ENERGY COMPOSITES AND METHODS OF
MANUFACTURING SAME
Serial No.: 10/582,313
Filing Date: June 8, 2006
Our Ref. No.: TRED54

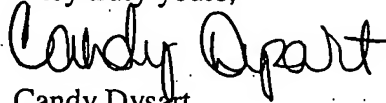
Dear Ms. Millikan:

My name is Candy Dysart and I am a Patent Paralegal assisting Joe Tessari, Bernie Pike, and Dean Shahriari with all Tredegar related matters, including the above-identified case.

We have received a *Notice of Missing Requirements* for which a response is due **April 16, 2007**. In order to respond to the *Notice*, we must file a *Declaration* and *Power of Attorney document* executed by the inventors of the application. Therefore, enclosed is a *Declaration* and *Power of Attorney* to be signed and dated by you at your earliest possible convenience. Once the *document* has been completed, please fax or email it to my attention (my contact info is listed above). Subsequently, please mail the originally signed document to my attention at the address shown above.

Should you have questions, please do not hesitate to contact us.

Very truly yours,


Candy Dysart
Paralegal

Enclosure

cc: Joseph Tessari, Esq.
Bernie Pike, Esq.
Dean Shahriari, Esq.

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